

The I. G. Farben Trial

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I.G. Farben is the short name of the corporation Interessen Gemeinschaft Farbenindustrie Aktiengesellschaft, which can loosely be translated as the Community of Interests of Dye-Making Companies.[\[1\]](#) I.G. Farben was by far the largest German business organization and one of the largest and most profitable corporations in the world at the start of World War II.[\[2\]](#)

The original International Military Tribunal (IMT) had planned to indict a prominent industrialist who typified the complicity of German business in Hitler's programs. However, the IMT refused to include an industrialist as a defendant. Instead, the decision to conduct trials of German industrialists for war crimes was left to each of the Allies.[\[3\]](#)

The United States filed an indictment on May 3, 1947 against 24 of I.G. Farben's leading executives. One of the defendants was dismissed for health reasons. The 60-page indictment alleged that the defendants were responsible for National Socialist Germany's war crimes. The trial, which began on August 27, 1947 in the Palace of Justice at Nuremberg, was the sixth of 12 war-crimes trials the United States held in its occupation zone after World War II.[\[4\]](#)

DEFENSE STRATEGY

The 23 defendants at the I.G. Farben Trial were among the industrial elite of Germany. They had little resemblance to Hitler's SA and SS members. Instead, they represented a combination of scientific genius and commercial acumen that made I.G. Farben preeminent in the world of technology and commerce. Like their counterparts in other countries, they were among the leading supporters of culture, charity and religion. They accepted official posts in the spirit of public service when their government called them.[\[5\]](#)

Their most-effective defense strategy was the "defense of necessity." This defense emphasized that so far-reaching were the Reich's regulations and so stringent was their enforcement that refusal to comply exposed an industrialist to imprisonment and even death. In order to survive, the defendants had to obey even the most heinous demands of Hitler's government; hence the phrase "defense of necessity."[\[6\]](#)

Defense attorneys put forth an argument that they thought would persuade the judges: "Replace IG by ICI for England, or DuPont for America, or Montecatini for Italy and at once the similarity will be clear to you." The defendants were honest industrialists who had worked for their country's defense—just as any patriotic American in a similar position would have done on behalf of the United States.[\[7\]](#)

Defense counsel also advantageously used the prevailing atmosphere of the Cold War. The defense cited Hitler's opposition to communism to explain their clients' enthusiastic participation in Germany's policies and practices. One defense attorney stated: "How right Hitler was in this outline of his policy...might be confirmed by the political situation which has developed in recent months in Europe."[\[8\]](#)

The defendants typically made good witnesses. Diarmuid Jeffrey writes:

In truth, the defendants were rarely tripped up, because they all stuck broadly to the same line: they were merely simple, patriotic businessmen or scientists engaged in tasks for the benefit of others. Every incriminating document had an alternative explanation; every prosecution witness was misguided or sadly misinformed. When the questioning became too rigorous they fell back on simple protestations of ignorance. No, they had never seen the report the prosecution was referring to. No, they had no recollection of that meeting. If one of their colleagues had told them such a thing, they could not remember it. It was all such a long time ago. And then, when released from the stand, they would go back to their places in the dock and, after a few whispered asides to their colleagues, reassume their pose of slightly weary detachment. It was as though they were being forced to sit through shareholders' questions at an annual general meeting, a tiresome duty that had to be endured. [9]

PROSECUTION STRATEGY

Josiah DuBois, the chief prosecuting attorney in the I.G. Farben trial, wanted to make sure the judges fully grasped the enormous power and influence of the organization the accused men worked for. The prosecution set up huge charts and diagrams detailing the scale and scope of I.G. Farben, and introduced into evidence a mass of supporting reports, correspondence, patent licenses and other corporate documents. However, this proved to be a tactical error. Two of the judges questioned the relevance of the testimony, and openly complained that the trial was being slowed down by documents having only the slightest materiality to the charges. [10]

It was not until the prosecution reached the charges of enslavement and mass murder that it began to have success. The prosecution introduced scores of witnesses who had been in Auschwitz to support these charges. Through former Auschwitz inmates, physicians and even some I.G. Farben officials, the prosecution witnesses told stories that were gruesome but still had the ring of truth. These prosecution witnesses testified to the horrific conditions at Auschwitz and Monowitz, and many testified that mass murder had taken place in the two camps. [11]

The defense introduced into evidence 386 affidavits in an attempt to dispute the validity of the prosecution's witnesses. The defense also attempted to counteract the damaging prosecution testimony by introducing affidavits detailing the efforts of the defendants to protect Jewish employees. For example, the Jew Carl von Weinberg fled to Italy with the aid of I.G. Farben officials. Weinberg received his pension of 80,000 Reichsmarks throughout the war at great risk to the members of the I.G. Farben hierarchy who had approved these payments. [12]

THE VERDICT

The I.G. Farben trial ended on May 12, 1948 after an exhausting 152 trial days. There had been 189 witnesses, and the transcript was almost 16,000 pages long. In addition to 6,000 documents and 2,800 affidavits introduced into evidence, there had been a multitude of briefs, motions, rulings and other legal instruments incidental to the proceeding. [13]

The judges retired on May 28, 1948 to consider their verdict. That same week Communists took over Czechoslovakia, and the next month the Soviet Union imposed a blockade on West Berlin. Within a few days the Soviets cut off all traffic by road, rail and water, and the United States and Great Britain began organizing an airlift. DuBois tried to reassure himself: "Surely, I thought, the judges would not read from the current situation the motives of the defendants several years ago." [14]

On July 29, 1948, the court reconvened to read its opinion and sentence the guilty. All defendants were found not guilty of Counts One and Four charging defendants with the preparation, initiation and waging of wars of aggression and conspiracy. The court stated: "The prosecution...is confronted with the difficulty of establishing knowledge on the part of defendants, not only of the rearmament of Germany but also that the purpose of rearmament was to wage aggressive war. In this sphere, the evidence degenerates from proof to mere conjecture."[\[15\]](#)

Count Two of the indictment concerning war crimes through the plundering and spoliation of occupied territories stated: "When action by the owner is not voluntary because his consent is obtained by threats, intimidation, pressure, or by exploiting the position and power of the military occupant under circumstances indicating that the owner is being induced to part with his property against his will, it is clearly a violation of The Hague regulations." Nine of the defendants were found guilty of violating Count Two based on their actions in Poland, France and elsewhere. Fourteen defendants were acquitted.[\[16\]](#)

Count Three charged the defendants with slavery and murder of the enslaved persons. The defense of necessity allowed 18 of the defendants to be held not guilty of this charge. However, five of the I.G. Farben defendants were convicted of count three. The court stated: "[T]he use of concentration-camp labor and forced foreign workers at Auschwitz with the initiative displayed by the officials of Farben in the procurement and utilization of such labor is a crime against humanity and, to the extent that non-German nationals were involved, also a war crime, to which the slave-labor program of the Reich will not warrant the defense of necessity."[\[17\]](#)

The prosecuting attorneys were highly displeased with the court's verdict. DuBois left the court in a fury, declaring, "I'll write a book about this if it's the last thing I do."[\[18\]](#)

DUBOIS'S BOOK

Josiah E. DuBois, Jr. had been the general counsel of the War Refugee Board, and a strong critic of the Allied failure to rescue European Jewry during World War II. DuBois published his book *The Devil's Chemists* in 1952 denouncing the court's verdict in the I.G. Farben trial.[\[19\]](#)

DuBois claimed that the American prosecution was at a major disadvantage in the case. He quoted prosecuting attorney Jan Charnatz: "The Farben directors have 80 lawyers and hundreds of Farben employees working for them. We have 12 lawyers and less than 12 interrogators and investigators." DuBois said that the prosecution attorneys and staff were overwhelmed.[\[20\]](#) DuBois failed to mention the limitations imposed on the defense team. For example, if the defense team had been allowed to conduct a forensic investigation of Auschwitz-Birkenau, it could have proved that there were no homicidal gas chambers at Auschwitz-Birkenau.

DuBois also said it had been reported to him that one of the judges had said: "There are too many Jews on the prosecution." DuBois thought this statement indicated a judicial bias against the prosecution.[\[21\]](#) However, while not a Jew, DuBois was active in Jewish causes. He was instrumental in forming the War Refugee Board, and vigorously promoted the official Holocaust narrative.[\[22\]](#)

DuBois then proceeded to accuse the defendants of war crimes without mentioning that the Allies had committed similar or worse crimes. DuBois wrote: "By 1941 Farben had already assigned to its plants 10,000 slaves. In 1942, according to Farben figures, their slave employment rose to 22,000; in

1943 to 58,000; and by 1945 to well over 100,000. These figures represented only the number of slaves at any given time; there was a tremendous turnover.” [23] DuBois failed to mention in his book that the Allies (chiefly the Soviet Union, followed by France) used millions of Germans as slave laborers after the war.

DuBois also wrote: “I.G. Farben had been almost exclusively responsible for America’s frightening shortages of vital Army supplies after our country went to war with Japan. By the time of Pearl Harbor, for example, Farben had succeeded in gathering, through its United States connections, 80% of all magnesium production in the Western Hemisphere.” [24] DuBois failed to mention that U.S. President Franklin Roosevelt had banned exports of oil, gasoline, steel and scrap iron, copper, brass, bronze, zinc, nickel and potash to Japan. [25] These bans initiated shortages in Japan that caused the Japanese to attack Pearl Harbor, resulting in America’s entry into World War II.

DuBois wrote that the prosecution introduced evidence that I.G. Farben had stolen the chemical industries of Norway. I.G. Farben was also accused of dismantling equipment and installations in Poland and other countries and bringing them back to Farben’s plants in Germany. [26] DuBois failed to mention that the Allies engaged in massive confiscation of German plant and equipment after World War II. The Allied plunder of German property was far worse than anything I.G. Farben was alleged to have taken during the war. [27]

The prosecution also attempted to show that certain I.G. Farben employees were involved in illegal typhus experiments on inmates at Auschwitz. Some inmates were alleged to have died from these unsuccessful experiments. [28] DuBois failed to mention that the Allies had also been engaged in illegal medical experimentation, including poison experiments on condemned prisoners in other countries, and cholera and plague experiments on children. [29]

Finally, DuBois did not believe the defendants when they said they knew nothing about mass gassings at Auschwitz-Birkenau. DuBois wrote:

Most of the *Vorstand* [executive board] members were present at the many technical-committee meetings when funds for Auschwitz were allocated. The technical men joined them when they went to the afternoon board meeting, for every member of the technical committee was also a *Vorstand* member. The *Vorstand* had to approve every act of the technical committee—every decision, every construction, every purchase, every dollar appropriated.

They knew, all right. Every man in the dock knew. [30]

DuBois did not understand that there were no homicidal gas chambers at Auschwitz-Birkenau. The Zyklon-B gas at Auschwitz-Birkenau was used in highly sophisticated and expensive disinfestation facilities to kill lice and save inmate lives. The alleged homicidal gas chambers at Auschwitz-Birkenau could not have been used to mass murder hundreds of thousands of Jews as claimed by the prosecution. [31]

CONCLUSION

DuBois wrote, “The sentences were light enough to please a chicken thief, or a driver who had irresponsibly run down a pedestrian.”^[32] The I.G. Farben defendants, however, were guilty of nothing more than helping defend Germany against Soviet Communism and overwhelming Allied forces.

If DuBois had been concerned with justice, he should have tried U.S. Treasury Secretary Henry Morgenthau, Jr. for creating and promoting the Morgenthau Plan. The genocidal Morgenthau Plan resulted in the death of millions of innocent German civilians after World War II.^[33] However, this trial never occurred, if only because DuBois had worked under Morgenthau in the U.S. Treasury Department during the war and was a close friend of Morgenthau.^[34]

ENDNOTES

[1] Jeffreys, Diarmuid, *Hell’s Cartel: IG Farben and the Making of Hitler’s War Machine*, New York: Metropolitan Books, 2008, p. 8.

[2] Stokes, Raymond G., *Divide and Prosper: The Heirs of I.G. Farben under Allied Authority 1945-1951*, Berkeley, Cal.: University of California Press, 1988, p. 13.

[3] Borkin, Joseph, *The Crime and Punishment of I.G. Farben*, New York: The Free Press, 1978, pp. 135-136.

[4] *Ibid.*, pp. 3, 137, 140.

[5] *Ibid.*, p. 3.

[6] *Ibid.*, p. 148.

[7] Jeffreys, Diarmuid, *Hell’s Cartel: IG Farben and the Making of Hitler’s War Machine*, New York: Metropolitan Books, 2008, p. 395.

[8] Borkin, Joseph, *The Crime and Punishment of I.G. Farben*, New York: The Free Press, 1978, p. 149.

[9] Jeffreys, Diarmuid, *Hell’s Cartel: IG Farben and the Making of Hitler’s War Machine*, New York: Metropolitan Books, 2008, pp. 383-384.

[10] *Ibid.*, pp. 379-381.

[11] Borkin, Joseph, *The Crime and Punishment of I.G. Farben*, New York: The Free Press, 1978, pp. 141-144.

[12] *Ibid.*, pp. 144-146.

[13] *Ibid.*, p. 149.

[14] Jeffreys, Diarmuid, *Hell’s Cartel: IG Farben and the Making of Hitler’s War Machine*, New York: Metropolitan Books, 2008, p. 395.

[15] Borkin, Joseph, *The Crime and Punishment of I.G. Farben*, New York: The Free Press, 1978, p. 150.

[16] Jeffreys, Diarmuid, *Hell’s Cartel: IG Farben and the Making of Hitler’s War Machine*, New York: Metropolitan Books, 2008, p. 397.

[17] *Ibid.*

[18] *Ibid.*, pp. 400-401.

[19] Medoff, Rafael, *Blowing the Whistle on Genocide: Josiah E. DuBois, Jr., and the Struggle for a U.S. Response to the Holocaust*, West Lafayette, Ind., Purdue University Press, 2009, pp. 40-52, 71, 134-135.

[20] DuBois, Josiah E., *The Devil's Chemists*, Boston: The Beacon Press, 1952, pp. 34, 48.

[21] *Ibid.*, pp. 182-184.

[22] Medoff, Rafael, *Blowing the Whistle on Genocide: Josiah E. DuBois, Jr., and the Struggle for a U.S. Response to the Holocaust*, West Lafayette, Ind., Purdue University Press, 2009, pp. 19, 55. See also <https://www.nhd.org/sites/default/files/JosiahDuBoisbibandprocess.pdf>.

[23] DuBois, Josiah E., *The Devil's Chemists*, Boston: The Beacon Press, 1952, p. 50.

[24] *Ibid.*, p. 80.

[25] Miller, Edward S., *Bankrupting the Enemy: The U.S. Financial Siege of Japan before Pearl Harbor*, Annapolis, Md.: Naval Institute Press, 2007, pp. 88-123.

[26] DuBois, Josiah E., *The Devil's Chemists*, Boston: The Beacon Press, 1952, pp. 89, 113-116.

[27] Goodrich, Thomas, *Hellstorm: The Death of Nazi Germany, 1944-1947*, Sheridan, Colo.: Aberdeen Books, 2010, pp. 280-282. See also MacDonogh, Giles, *After the Reich: The Brutal History of the Allied Occupation*, New York: Basic Books, 2007, pp. 381-391.

[28] DuBois, Josiah E., *The Devil's Chemists*, Boston: The Beacon Press, 1952, pp. 125-132.

[29] Schmidt, Ulf, *Karl Brandt: The Nazi Doctor*, New York: Continuum Books, 2007, pp. 376-377.

[30] DuBois, Josiah E., *The Devil's Chemists*, Boston: The Beacon Press, 1952, p. 233.

[31] Rudolf, Gernar, *The Chemistry of Auschwitz: The Technology and Toxicology of Zyklon B and the Gas Chambers—A Crime-Scene Investigation*, Uckfield, Great Britain: Castle Hill Publishers, 2017, pp. 174-175.

[32] DuBois, Josiah E., *The Devil's Chemists*, Boston: The Beacon Press, 1952, p. 339.

[33] Bacque, James, *Crimes and Mercies: The Fate of German Civilians under Allied Occupation, 1944-1950*, 2nd edition, Vancouver, British Columbia: Talonbooks, 2007, pp. 25-32, 124.

[34] Medoff, Rafael, *Blowing the Whistle on Genocide: Josiah E. DuBois, Jr., and the Struggle for a U.S. Response to the Holocaust*, West Lafayette, Ind., Purdue University Press, 2009, p. xi.

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